

REMARKS

The provisional double patenting rejection over application 10/435,481 is moot since that case has been allowed to lapse. A new application has been filed to replace it but since that new case will not be examined for some time, the issue of potential double patenting is better addressed in the new case rather than here.

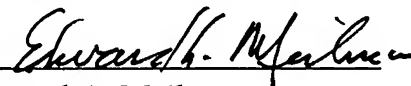
The obviousness type double patenting rejection over claims 1 and 3 of US 6,653,654 is respectfully traversed. This rejection is not valid since whether or not the instant claims are "embraced" (i.e., generic) is not relevant since it avoids rather than addresses obviousness, and also since the cited patented claims require a pyridine or substituted pyridine moiety which the instant claims do not include.

The typographical error in designating the dependency of claim 2 has been corrected, mooting the Section 112 rejection.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

Edward A. Meilman

Registration No.: 24,735
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicant